

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----X

3 TEACHERS4ACTION, et al.,

4 Plaintiffs,

5 v. 08 Civ. 548 (VI)

6 MICHAEL G. BLOONBERG, et al.,

Conference

7 Defendants.

8 -----X

New York, N.Y.
May 1, 2008
4:00 p.m.

10 Before:

11 HON. ANDREW J. PECK

12 Magistrate Judge

13 APPEARANCES

14

15 EDWARD D. FAGAN, ESQ.
Attorney for Plaintiffs

16

17 MICHAEL A. CARDOZO
Corporation Counsel for the City of New York
18 Attorney for City Defendants
19 BLANCHE GREENFIELD
Assistant Corporation Counsel

20

21 STROOCK & STROOCK & LAVAN LLP
Attorneys for Defendant UFT
22 CHARLES G. MOERDLER, ESQ.
DINA KOLKER, ESQ.

23

24 ADAM S. ROSS, ESQ.
Attorney for Defendant UFT

25

1 Marreño even happier, since at this point the motion to dismiss
2 goes to him. He may retaliate by sending it to me for a report
3 and recommendation, but I'm just here to serve.

4 Do you know now whether you'll need more than the
5 normal two weeks to respond, or do you want to wait until you
6 see the motions and ask for more time at that point?

7 MR. FAGAN: I'd like to see the motions first, your
8 Honor.

9 THE COURT: In the event that the complaint comes in
10 earlier than June 2, you'll have 30 days from whenever it is to
11 respond. If Mr. Fagan and his clients move faster, that will
12 just give you more time to deal with the motion. But these are
13 the outside dates.

14 Since discovery is still going to be stayed at this
15 point, what else do we need to do?

16 MR. FAGAN: Actually, your Honor, I'd like to address
17 that issue of discovery being stayed. The Court had said once
18 before that discovery was stayed until all the parties were in.
19 If necessary, I'll make a formal application for limited
20 discovery. I think there are things that we could do in order
21 to assist in preparing for the motion to dismiss and our
22 responses to the motion to dismiss.

23 THE COURT: Motions to dismiss are based on the
24 pleadings. However many smoking guns you find in their
25 documents or whatever they would find in yours can't be

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: July 23, 2008

Total Number of Pages: 4

TO	FAX NUMBER
Edward D. Fagan, Esq.	646-304-6446 or 646-417-5558
Blanche Greenfield, Esq.	212-788-8877
Charles G. Moerdler, Esq.	212-806-2647
Dina Kolker, Esq.	212-806-2606
Alan M. Klinger, Esq.	212-806-7818

TRANSCRIPTION:

MEMO ENDORSED 7/23/08

Extension request was to be made before the time expired, not after. Plaintiffs' opposition papers are due 8/6 – more than 4 weeks is more than enough. And since it is a motion to dismiss, not for SJ, I see no reason why affidavits would be appropriate. Defendants' reply papers will be due 8/20. As to the "cross-motion" to enforce, do what you want, but I will not address it until after I address the motion to dismiss.

Copy to: Judge Victor Marrero